

In a book bearing the title of *System of the Biblical Legislation* (Baltimore, the Sun Publishing Company), the Rev. MARCEUS FLETCHER has undertaken to define the original Mosaic aims, ideas, and ideals concerning the political and social status of the people to whom Moses meant to give a permanent organization. This is the primary purpose of the book, but, incidentally, the author is led to describe the State, the Church, the social and economic conditions which the Mosaic legislation was intended for. What renders the book interesting is the result of the author's investigation. He does not hesitate to assert that most of the political aspirations of contemporary statesmen and philanthropists, and that most, if not all, of the aims of existing democracy, have had their forerunner and warm advocate in the legislator of Sinai; that, in a word, modern democracy is simply an imperfect representative of the democracy designed by Moses. Let us see how these conclusions are reached.

Four cardinal principles appear under the Mosiac legislation. The first is that for the Pentateuch, these principles are individual liberty, social equality, equal distribution of the national wealth, and community or solidarity of interests. In as many chapters the author proceeds to demonstrate by citations that these four principles lay at the root of the law of the Pentateuch. As regards the first, individual liberty, which Moses or the legislation handed down in the Pentateuch, endeavored to reconcile with social equality, we are reminded that in ancient and, for that matter, in medieval times, the State usually assumed a dominant position, and that persons subject to the law, notoriouly, were not free, but the rank and file of even the dominant race had for the most part no personal freedom. The individual, in life, his family, his property, his powers of labor, all belonged to the State. His rights were not his own, but those of the State. As for the third principle, the law came to be the law of the Hebrew people, and not the law of every Hebrew inhabitant of the country, whether man, woman, or child, is personally free; even the poor, the weak, and the criminal cannot lose their original character of free agents. All yielded to the State just what is necessary for their own preservation. None is born to rule, none is born to serve, God and the law are alone natural rulers. Even the laws had to be accepted by the people in covenant with God. It is true that, in later times, these Hebrews and kings, but these were elected and their laws were controlled by a constitution. Thus we claim that persons have come to the world with the Greek cities, or with the Roman republic, or with the primitive Germans, or with the English Magna Charta, or with Holland and Switzerland, or with Calvin, Rousseau, Voltaire, or with the American and French republics, and with the unfounded Personal freedom dawned upon him, and the law of the Pentateuch, the essence of which is certainly as old as Moses, and perhaps older as Abraham. With the patriarchs Jacob and Joseph the idea of human freedom entered a splendid despotism of Egypt; and when the Pharaohs of the eighteenth dynasty strove to make it, it was the law of the Pentateuch, the law of legislation which is still operative among the Jews, and has materially influenced mankind.

With reference, next, to social equality, it is pointed out that the ancient non-Hebrew communities were hierarchies comprising several adonations and strata. There was, in the first place, a monarch, supposed to be a descendant of God, and, consequently, possessing the responsibility, compelling his companions and satellites; then a military clan, made up of his supporters and tools; then an ecclesiastical aristocracy, the members of which were his coadjutors, his tradesmen and handicraftsmen; and, lastly, the masses of the people, the remnants of vanquished tribes. In a word, the inhabitants were divided into privileged classes and disfranchised ones, some social strata being destined by birth to rule, others to be ruled. The Bible conceived another policy. It contemplated the overthrow of a hierarchy; a State without a king, without a military class; a State where civic rights and duties, burdens and emoluments were absolutely equal for all. Later, monarchy was introduced, but the ideal of equality remained paramount. The first day the cause of equality has remained a salient feature of the Hebrew people. We pass to the attempt of the Mosaic legislation to secure an equal distribution of the national wealth among the members of the community. In this respect, for every reason, it is that the inequality of wealth is the principal cause of the loss of civil freedom and social equality. It is unnecessary to recall the incessant commotions which were the antagonism of the creditor and debtor classes. After the promulgation of the Mosaic lawgiver succeeded better than the Greek and Roman legislators in the endeavor to compass average economical conditions, and he attained his end by more equal distribution of the national wealth. The soil, the country's soil, per capita, in equal portions to all, and proclaimed these, like the citizen's personal liberty, to be inalienable. Commerce and wars were discontinued, a new era of peace was introduced into the State for the purpose of securing the equality of social physiognomy and restoring the equality of property. We refer to the provisions whereby all debts were cancelled at the seventh year after they were incurred, whereby in the fifteenth, or jubilee year, all the land was distributed anew to the people, lastly, of assuring the solidarity, or community of interests, the Biblical legislator essayed by positive laws, religious doctrines and moral persuasion, to impress his fellow citizens with the sense of duty and with the deep consciousness of altruism, that the altruistic instincts might have free play side by side with the equally needed instincts of egotism.

Let us glance, in detail, at some of the evidence for these assertions. In his first chapter Mr. Fluegel recapitulates the leading traits of the Mosaic legislation, so far as they bore on individual freedom. The citizen's liberty was everywhere rigidly maintained. The inalienable, criminal or involuntary man might be sold to punishment, be sold for six years' labor, but not beyond that term, and to him, in the meantime, was guaranteed protection against excessive work or harsh treatment, or the abuse of his master's power. The law, moreover, declared a woman to belong to her husband as master. It tolerated no illegitimate sexual connection. It screened the woman from the usage of the wealthy libertine. Whoever thought her too mean to be his wife was admonished to marry a slave lord. The noble yielded to the times in making a woman subordinate to the man, but only on the express condition that their relations should be those of love, and not of lordship; those of husband and wife, not of master and slave. The law, too, forbade the wealthy to exult in the advantage of an unjust and unnatural law, and always presumed children to be legitimate and qualified to enjoy the full rights of heirs; they were not to be sold, or sent to a founding house, when the spirit of the Mosaic law respecting the rights of the orphan and the other ancient legislation, we are not surprised to find Josephus that in his time the best women of the proudest capital were strongly inclined to Judaism, because they appreciated the position which the Bible gave them. This, from the point of view of the Christian's opportunity, it harveasted what the Bible and the times had nurtured.

In a chapter on social equality the author shows how utterly Moslems ignored the hierarchy of caste which existed in Egypt and in most parts of the ancient world. Under the Islamic legislation every one was as good as his neighbor, every one could choose his own calling, every one could cumulate or change his

occupations, if he thought he could do so profitably. There was, indeed, an official priesthood belonging to a particular family, but the members of it never ruled, as they did elsewhere. The Judges, the soldiers, the Generals, and the Kings, the Kibbutz, the Ghetto, the Temple, did not belong to any caste; they came from every class and every rank of the people. In the kingdom of Judah, indeed, the more conservative part of Israel, there eventually sprang up a dynasty and an aristocracy, but even in Judah, the different classes of nobles, priests, Levites, and Israelites always intermarried, and all alike could occupy any position. Let us further test the provisions for slavery, by turning back to the Mosaic legislation dealing with Hebrew servants. We read in Exodus: "When thou shalt buy a Hebrew servant, he shall serve thee six years; in the seventh, he shall go out free. Because all Hebrews are and remain equal before the law, because manhood rights and equality are original and fundamental principles. Again, in Leviticus, we read: "When thy brother has become impoverished, and has become a debtor, thou shalt not oppress him as a man, thou shalt treat him as a hired servant." Once more from Exodus (xiii, 7), we learn that when a man would sell his daughter to act as a helper, she should not be treated as male servants, but the acquisition of her should be simply for the satisfaction of ultimate desire. If her master did not marry her, she was to leave without compensating him. Why? Because the Mosaic law guaranteed the equality of man and woman, and the woman being the weaker sex, she was to be protected. In the ancient world, for the most part, allowed her father to sell his child daughter. Yes, says the Mosaic law, he can sell, *t. r.*, deliver her to a husband, but not to a master. In the same spirit the rabbi added: "Woman is like a man, and she is not to be sold as a slave." With respect to crime and its punishment, we read in Exodus that whoso smiteth a man that dies by it shall himself be put to death. Here no difference of rank, class, or nationality is admitted; neither is a money compensation allowed. In the ancient world, however, in view of the social status of the murderer and of his victim, and most of them allowed pecuniary compensation to be substituted for the death penalty. It is, indeed, provided in the Bible that when the killing was not intentional, but accidental, the murderer was to be put to death.

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Mr. Fluegel submits that a great deal of sentimentalism has been wanted on the alleged right of the Hebrew legislation. We are often told that the Hebrews were a "people of peace," in comparison with the mild and merciful tenor of the New. The former says, "Love thy neighbor as thyself;" the latter, "Love thine enemy." The one says, "Take the criminal from mine altar to die;" the other, "If a thief be caught, lows him to escape into a sacred asylum, or a vicarious atonement, in this world and hereafter." The one enjoins, "A tooth for a tooth;" the other, "Thou shalt not be avenged." The right cheek, offer him the left one also." The one says, "The thief shall pay five oxen for the one stolen;" the other, "If he steals an ox or a donkey, he shall pay him also." The author's comment on the above dispensation follows: The Old Dispensation was a code of war for men as they are, for a political community, a real, live society, animated by human passions, and the New Dispensation was a code of small stock of charity. Hence rigorous rules of conduct. The New Dispensation, on the other

test against man as he is. The Old Testament was practical law enacted for the State as it was, whereas that is right and just alone, and with a small addition, would be right and reasonably be admitted. Otherwise many would quarrel upon the charity of others, and act, from sheer selfishness, for themselves. If the rich should work and give the proceeds of their work to the poor, many would quarrel mainly because they would not have support from the rich. But if all should stop work, there would be no rich. If all were poor and lazy the immunity would starve. The New Testament, on the contrary, aimed to bring about the kingdom of heaven upon earth. It contemplated a new man, like the man of the Essenes, living in a state of simplicity and poverty, giving their property in common, and preferring celibacy to marriage. Although eighteen centuries have passed since the promulgation of the Gospel, we are as far off as ever from witnessing a realization of the dream. As Herbert Spencer has reminded us there exists no truly Christian State in the world.

IV.
The provisions of the Mosaic legislation with regard to resident aliens seem singularly humane, whether we compare them with those which, in ancient times, were almost universal, with those which still obtain in some countries at the present day. The *ger*, alien in blood, creed, and origin, who, if but recognized in the coarsest forms of heathendom, the cruelest and most unchristian worship of Baal, Astaroth, &c., and obeyed the few commandments which may be deemed to constitute the universal moral law, as a resident or immigrant alien was entitled to the same rights and privileges as the indigenous Israelite. Thus we read in Exodus and Numbers: "There is but one law and one right for natives and for immigrants." Even a runaway slave from any country was entitled to hospitality. "Thou shalt not deliver him up to his master. Let him dwell with thee."

thereover, he pleases; do not bring him grief." Other striding passages may be quoted: "The stranger thou shalt not overreach nor oppress, for strangers ye were in Egypt." And again: "The stranger in thy land thou shalt not overreach: treat him as a native, love him as thyself, for strangers ye were in Egypt, who have dwelt in thy land." "Thou shalt not oppress thy orphan, thy widow, thy orphan, the orphan, the widow, for a stranger and poor thou wast in Egypt." But what shall be said of the famous passage in Deuteronomy: "Thou shalt take no interest of thy brother on money, or estates, or sailing else, for thou shalt take a stake like a creditor of thy brother, none." On this is commonly based the charge of foreigner-baited and national exclusiveness. Mr. Flueel declares the charge to be ill founded. It originated in a misunderstanding of the Hebrew text. The word *nochi* was mistakenly supposed to be the same as *nochi*, "to take a stake," but it is not the non-Hebrew, but with the vast difference that *nochi* means a stranger residing in a non-Judean country; *quer* means a foreigner who is domiciled in Judea. A Gentile immigrant who submitted to the public laws of Israel and performed civil duties was entitled to civil rights, and was entitled to the same special protection of the State; whereas a stranger hailing from a foreign land and travelling temporarily in Judea on business was entitled to international rights, but not to the privileges of a citizen. Among these was the privilege of borrowing money and goods without interest, and the privilege of bringing the Gentile Hebrews was entitled to that privilege. Thus we read in Leviticus: "If thy brother should become impoverished, give him encouragement, immigrant (*quer*) or inhabitant, let him live with thee. Take no interest on money, or profit on estates from him. Be afraid of God; let him be free, his native land, and he shall go with thee thy God." "Thou shalt not bring the out of Egypt." Here we see that the non-Jew residing in Judea was fully entitled to the privilege of a loan without interest. Elsewhere in this book the author explains why the Israelite law-giver allowed profit and interest in trading with foreign countries, but deprecated it at home. This was not done for humanitarian reasons, but for economical reasons. The law-giver desired to promote agriculture, and avert speculation at home; consequently he discouraged home traffic, but allowed international commerce.

It is, of course, indubitable that there are in the Talmud many harsh expressions against the contemporary Gentiles. It is pointed out, however, by Mr. Fliegel, that these harsh expressions date from the time of the wars of extermination against the Hebrews, which, during the two centuries after Christ, were waged by Romans and Greeks. Aside from the influence of oppression and persecution, it is to be considered that the rabbinical law hated idolatry no less intensely than did the followers of Christ. The persecutions of Christians, therefore, whose persecutions were out of sight the rabbinical law became remarkably tolerant.

From a multitude of passages quoted to sustain this assertion we reproduce the following: "The righteous of all nations shall participate in life." Again, as Ephraim says to the Sanhedrim: "I have said many biblical verses mention that the righteous are close pleasing to God; observe, 'the righteous' simply: not the priests, the Levites, or Israelites, nor even the Gentiles are included therein."

Again, he quotes the Mishna: "The Temple the most sacred service has been supplied with food and clothing, exhibited indiscriminately to Jew and Gentile." What moreover, will be thought of his declaration: "To rob a Gentile is worse than to rob a fellow Jew. For there is additional degradation of God's name." Repeatedly does the same significant phrase occur: "Whoever robs a Gentile as toward a Jew." Thus Rabbi Simlai third century says, quoting the psalm: "'Who ho! ascend the mount of the Lord? Who ho! enter his sanctuary?' He who walketh in righteousness, and gives not his money on

malicious commentator. Users are stigmatized as apostates and atheists, and are not admitted to the rabbinical witness stand. This will suffice to show that the Jews are the same horror of the pack market as ever, and repeatedly used the pack market as a means of their own destruction.

Unfortunately, in the middle ages, both the Church and the State shut against the Jews the avenues of an honest livelihood, leaving open to them only the pawnbroker's calling. Nevertheless, the Jews have not been able to grow up, and remarkably injurious. In the tenth century, A. D. a distinguished Hebrew moralist writes: "Whosoever holds converse with us is our brother, and it is unlawful to overreach him, and whosoever is guilty of fraud against him, shall first be put to death." In the twelfth century Rabbi Jehuda, summarized the pious, wrote: "Overreach nobody, be honest in thy dealings. Never take advantage of anybody, and discriminate not between Jew and Gentile; otherwise you desecrate the name of God." In the thirteenth century, Maimonides said: "Any Gentile observing the moral law is entitled to our respect, to our benevolence, charity, and all amenities, just as Israelites are." Rabbi Moses ben Joseph (thirteenth century) wrote the injunction: "Never overreach any one, Jew or Gentile, but be just and fair to everybody." Rabbi Isaac ben Sheeshet of North Africa (thirteenth century) declared in his "Responsa": "Christians are to be considered as *tohu* (losh) and *shav* (empty), and no difference is entitled to all practical rights and privileges of the Jews." To the same effect wrote Beer Hagal in the seventeenth century: "All the harsh enactments of the Talmud concerning Gentiles have reference only to the times of idolatry, and when the Gentiles truly keep the leading principles of religion, and do unto us as we do unto them, all good will and benevolence." Finally we note that in the eighteenth century Rabbi Issakiel Landau of Prague, in his *Oramot* (editions of the Talmud), in his legal affairs concerning theft, fraud, robbery, murder, &c., there is no difference whatever between Jew and Gentiles, and that the Talmudical expression of *Gomol* or *alikum* (idolaters) has no reference whatever to the present nations

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...subject, and constitutes a valuable contribu-
...on to the comparative history of religion.

Lord Melbourne's Recollections.

Among the welcome additions to current remiscence literature are the two volumes entitled *Reminiscence*, by ROUNDELL PALMER, Earl of Selborne (Macmillan). This is an autobiography edited by the author's daughter, Lady Sophia Palmer, who recounts, in a short preface, the circumstances under which the book was compiled. It appears that, in the summer of 1885 Lord Selborne took with him to Siena an accumulation of unsorted family letters, and began the task of reading them, and committing these collections to writing. The volumes now published comprise only the first part of the work.

covering the period from 1812, when Roundell Palmer was born, to 1805, when Lord Palmerston died, and was succeeded by Gladstone as the House of Commons. It is characteristic of the series that a very large part of these volumes is devoted to an account of his own career, but to biographical notices of his father, brothers, uncles, and even more distant relatives and connections. The character of the material and the pages is allotted to the author himself, and, from an autobiographical viewpoint, the narrative would be defective, had not the editor inserted in the text a number of letters written by his father, and added many explanatory or supplementary notes. The editor has also inserted these recollections without feeling respect or admiration for the character of the man who penned them, and also, which he most desires, for the estimable qualities of his father. The book is a very good model of an Englishman's view of his own country.

confine ourselves to those sections of the autobiography which bear directly on the public and private life of Roundell Palmer himself.

Roundell Palmer was born on Nov. 27, 1812, at the rectory of Mixbury, a small, wholly agricultural parish, which lies at the extreme northeast angle of the high and bleak table land of Oxfordshire, where that county and Northamptonshire and Buckinghamshire meet. His father, Samuel Horsley, of Mixbury, was Joseph Palmer and Dorothea Richardson Roundell, the daughter of William Roundell, a clergyman who, on the death of an elder brother, had succeeded to a considerable estate, situated chiefly at Marton, in Craven, a district in the north of England. The Roundell family had been settled for more than four centuries in the West Riding of Yorkshire, of which Craven forms a part, some of their title deeds going back to the year 1455. Roundell Palmer was the grandson of a man who had been a successful trader, engaged in the East India trade; his grandfather, William Palmer, married a sister of Samuel Horsley, a distinguished mathematician and learned theologian, who became Bishop, successively, of St. David's, Rochester, and St. Asaph, and was afterwards made Bishop of Exeter. The father of the subject of this book, was born on Feb. 6, 1778. He went first to Charterhouse school, and thence, in 1796, to Oxford, where he was a commoner of Brasenose. There were no hono-
r examinations at Oxford in those days, as has been already mentioned. It is probable that W. J. Palmer was distinguished above other young men of literary taste and good conduct and character, or had he received from his college any strong intellectual impulse. Such of his early letters, as have been preserved, show a clearness of thoughtfulness and ripeness of judgment uncommon at that time of life. He was ordained priest in 1802, and in the same year was presented by his uncle, Dr. Horsley, then Bishop of Rochester, to the rectory of Mixbury, which he held for nearly twenty years. The rectory house was in a ruinous state, and he had to build a new one: while this was going, he acted as his uncle's chaplain. After his Bishop's death, in 1808, he came to reside at Mixbury, between which and his uncle's residence at Rochester there was only a few miles. When his uncle died, his father presented him, he divided his time, the law then permitted two such benefices they were about twelve miles apart) to be held together, but in 1814 he exchanged Beauchamp rectory for Fimber, a parish immediately contiguous to Mixbury, and a very pleasant and well endowed. Fimber had, in that respect the advantage. The commuted tithes of Mixbury only yielded \$625 a year, but there were fifty acres of glebe land. Although, in a modest way, a pluralist, the rector would scarcely have been able to bring up a dozen children as he wished, had he not possessed some of the pecuniary means derived from his father.

After they had mastered the first rudiments of an education Roundell Palmer and his elder brother, William, were taught by their father and by a private tutor, Mr. Judson. They began Latin at five years old and Greek at six. By the time they were nine years of age, they were fairly well grounded in Virgil and Horace, and not unpractised in verse and prose translation. They were also familiar with the poet Pope's Homer and Dryden's Virgil, were familiar to them, and before they went to school they had made some progress in the original of Homer, and had read through the *Prometheus* of Æschylus, the *Antony and Cleopatra* of Shakespeare, the *Æneid* of Virgil, the *Paradise Lost* of Milton, and some other English classics. Their father was not technically an exact scholar, but he had a manly cultivated taste for the best work of the best poets and other writers. The subjects of which he had been accustomed to Bishop Horsey, and which he had read in the best school of classics and theology and some scientific works, but also biographies, histories, voyages, travels, and a little lighter literature. The boys were encouraged to read, with few exceptions, what they liked, and were allowed to become they were carefully instructed in the elements of religious knowledge.

II.

When not quite eleven, Roundell Palmer and his elder brother were sent to Rugby, then under Dr. Wool, who, although a good scholar of the old-fashioned type, had allowed the discipline and numbers of the school to decline. It is well known that moral evils of a serious kind reigned at Rugby in the pre-Arnold period, and at the end of two years Roundell, the younger of the two boys, was removed by his father and placed at Winchester, as a commoner. The school was then much smaller than it is now, the members being limited to about thirty. Roundell was the first to enter the foundation. Roundell Palmer remained commoner at Winchester till the summer of 1830, obtaining his share of the honors of the school; when he left, he was captain of the school, and senior prefect in commoners. One of the privileges of the prefects was the suggested power of flogging. This some persons could not stand with bullying; but there can be no water mistake. Lord Selborne testifies that a regulated system of flogging is the best security for the maintenance of discipline in boarding schools, and that the boys are always to be found in a large school, and whose place in it is generally low in comparison with their growth. All prefects, of course, are not equally good natured and discreet, but the author of this book can only say that he never knew a prefect who abused his power; the system always worked well when the prefects had physical strength and moral courage, as was generally the case. The general method of intellectual training had been transmitted from the 16th century, perhaps from the 15th, to Roundell Palmer. He says that those who profited by it may be pardoned if they feel less sure of its inferiority, though the range of its aims, to the method which has replaced it, than they do of the improvement which it has effected. The method which has been claimed in some directions, it is pronounced not impossible that, in others, something may have been lost. It is worth recalling that Dr. Arnold, the acknowledged leader in the reform of English public schools, was a commoner at Winchester, and, to a considerable extent, recognized in the Win-

agement of the Greek text of the four *Gos-*
els, was read regularly, and sometimes, in
order, would be read *Grotius* or some other
commentary on the portions of the Bible
assigned. The greatest pains was bestowed
on Homer, Virgil, and *Horace*, the whole of
whose works (with a few annotations of offensive
matter in the case of *Horace*) were read over
once or oftener. Next to these came *Cicero*,
and then *Caesar*, and *Plutarch*, and in the
upper part of the school *Pindar* and some
of the tragedies of *Æschylus*, *Sophocles*, and
Æuripides, the Greek orators, and parts of the
Greek historians. Of *Ovid* and the other
Ælegiac poets very little was read. On
the whole, it is estimated that a scholar
leaving Winchester school sixty-five years
ago, would have been much more conversant
with the Greek and Latin classics than would
a graduate of Harvard College. Great reliance
was placed, of course, on composition, chiefly
in verse, and although the Greek and Latin
to Latin prose were also required. The boys
had to do a verse task and a prose task every
week, the former in Virgilian hexameters, or
the Æneid in *Horatian* metre, for which they were
occasionally permitted to substitute English verses.
The latter was written in the form of a
epigram in the week, to produce upon a set subject
an epigram of six or more lines, called
"Vulgar," in elegiac metre, for which
certain models were found in *Martial*.
Although he was never read in the school,
his *Epigrams* were a source of constant disci-
pline for condensation of thought
and tendence of expression, and it cultivated
the gifts of wit and humor, where such were
possessed. Other characteristic features of the
Winchester system were called "declamations"
or "recitations," by which the boys were
required the compilation of English notes on cer-
tain portions of the school lessons. Another
peculiar and remarkable feature on those days
was called "standing up." This consisted of
turning by heart, and repeating to the second

not to each boy chose; construing, also, such parts of them as might be required. The best performances of this kind were rewarded by prizes. Extraordinary were some of the exhibitions of mnemonic faculty. One who was able of the boye I taken into account, Roundell Palmer, retained more than one instance of a boy taking the whole *Æneid* and passing successfully through every test of his memory or his intelligence which the second master thought fit to apply. This was the performance which had been thought so wonderful in the philosopher. Another, who was called Words of memory, given at Winchester school in Palmer's time was that afforded by Henry Butler, a son of the Earl of Carrick. He took up and passed well in the whole of the *Iliad*.

At Winchester young Palmer formed friendships with several school fellows whose names were not forgotten when he came into life. Among these were William George, a distinguished celebrity in the field of ecclesiastical controversy; Edward Cardwell, who attained distinction at Oxford and in Parliament, and died as Viscount Cardwell; and Robert Lowe, afterwards Lord Sherbrooke. The author thinks it was fortunate for him that he had the opportunity of continuing to be associated with whom he sat in school, and with whom he was brought into close association. We are told that a successful rivalry with him was not possible without effort, and the effort was constantly made. We are also told that the two boys did not always agree, for Lowe was capable of a certain degree of seeing pungent things, and certain physical defects of his friend. He labored sometimes overtasked his high spirit and naturally generous temperament. But, on the whole, their friendship did not suffer because they sharpened each other's wits.

III.

In the spring of 1836, Wendell Palmer was matriculated at Christ Church, and soon afterward he gained an open scholarship at Trinity, and after the long vacation of that year began his residence at that college. Corpus Hallioli, and Trinity were the only colleges in Oxford in which scholarships were then open to free competition. The Corpus men did not compete with the rest of the university; their best days, the days of Keble, Arnold, and John Taylor Coleridge, were past. Halliol had an advantage in its open fellowships which, like those of the other colleges, were open to all comers, but the Trinity scholars held their own against all comers. Two of them had lately taken Halliol fellowships, and not very long before John Henry Newman had been elected to Oriel. If the prize exercises were held, the Halliol scholar might be taken as a test, there was no college whose scholars for some time before, and for several years after, the beginning of Palmer's residence, obtained so large a share of the prizes as Trinity. Palmer was to expect not a little credit upon Trinity's behalf.

In 1831 he tells us but little himself. In 1832 he gained the prize for Latin verse, and in the next year the Ireland scholarship, besides the Newdigate prize for English verse; he took a first class in classics in 1834, merely on the strength of his Latin. In 1835 he took one of the prizes for bachelors of divinity, and, about the same time, he obtained the London scholarship, which proved a great help towards his preparation for the bar, and a fellowship in his elder brother's college, Magdalen. It is a fact worth noting that, notwithstanding his subsequent academic success, he was called on to deliver a "trial to pass his 'Little-go' Responsions" in 1836, and was "lucked in" to do so. To make the accident more ridiculous, he had a party of friends in his room that evening to celebrate his passing. Of course, he passed the next trial without difficulty. We could add that Palmer was a frequent speaker at the "Union" debating society, and eventually a member of the Political Economy Club, and that his contemporaries had passed from the midst of the Reform Bill to the Reform Bill, and from the Reform Bill to the Reform Bill. He was also one of the contributors to the *Oxford University Magazine*, of which some six numbers were published. By an odd coincidence, in one of these contributions he invented an Earl of Selborne, and he had no sort of interest in Selborne or knowledge of it, until he had read Gilbert White's book. Of course, this early anticipation of the title, which Rosdell Palmer was afterwards to bear, had no influence on his purchase of land at Selborne in 1865, or

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imitated from the original. A more perilous departure from the strict course of his profession, and one which, if he had not taken time to continue the knowledge of it as few persons do, would have been seriously interfered with by his poems, was an engagement to write for the *Times*, which came about through his sending a reply to a letter which had appeared in that paper, in which the principles and aims of the National Association were assailed. With his reply he had enclosed a letter, and he received soon afterward from the editor, then Mr. Thomas Barnes, a letter requesting him to call at the *Times* office. The outcome of an interview was that he was asked to contribute to the weekly columns of the paper, and did, in fact, contribute to it many of his strongest articles for three years, from September, 1840, to August, 1843. Lord Selborne testifies that this work he received very liberal remuneration. He also says that he acquired a superficial acquaintance with the art of writing hastily, smartly, and perfunctorily, and, consequently, about matters of which he had no adequate knowledge. On the other hand, his connection with the *Times* gave him many opportunities of expressing as forcibly as he could his opinions on questions which he took great interest in. He was enabled, for example, to defend his Oxford friends from what he thought unjust obloquy, and to strike hard blows at the practice of duelling, for which Lord Cardigan's trial and some other duels, which he had seen, had already stirred the public conscience, gave occasion. Palmer, however, regarded his connection with the newspaper with some apprehension, and at the time came when his son thought it right to act upon the paternal judgment. The personal animosity between the two did not increase in the following year, 1844, but it increased in the following year, 1845, in the autumn of 1843, as well for that reason as because there was some divergence of opinion between himself and Mr. Walter, the

Bishop Blomfield and Philipotts to make the usages of the Church more conformable to the rubrics (which Walter strongly opposed, and Palmer decidedly approved), the latter ceased to be a regular contributor to any newspaper.

From the time when he ceased to be a contributor to the *Times* till he entered Parliament Roundell Palmer gave himself up to the business of the law, not permitting himself to be encroached upon by any other business or other avocations. He went less than ever into general society, and was content to forego the opportunities which he might otherwise have had of acquaintance and intercourse with members of eminence in law, science, and letters. The advice given him throughout his life by his father by Sir John Richardson, an eminent Judge in the Court of Common Pleas. It was best, said Richardson, for a young man to engage exclusively in academic pursuits and objects, and while yet a student, to devote himself to the study of his profession when he came to town. *Totus in illis* was his expression; not that friendships were not to be preserved, or society to be shunned, or the intercourse and acquaintance with mankind not to be sought and cultivated, but all these things, if done at all, should be done with reference to the one great object. Whether from his exclusive devotion to it or from other causes, Palmer's business was doubled before the end of 1844. It was characteristic of Palmer's conscientiousness that the more he was asked to do, the more he did. Upon him the question whether he ought to retain his fellowship at Magdalen. The uncertainty of health and fortune, together with the possibility that, if he should ever exchange a staff for a silk gown, he might be asked to do more than he could do. These results, made him determine not at once to relinquish that plank of refuge against an evil day. Nevertheless he thought himself called upon in the mean time to place the emoluments of his fellowship at the disposal of the college, and to give up the use of the rooms and the glass windows now in Magdalen Chapel as the result of his determination. Glancing at some features of his early professional life, Roundell Palmer tells us that he never went circuit, or served any apprenticeship in the oral examination, or the creation of a business, or in the conduct of jury trials at common law. When he began practice, and for a long time afterward, the separation of the equity from the common law bar was more complete, probably, than it had been at any former time. The business of equity was more profitable, good business in equity were greater than at common law; but the publicity, popularity, and fame of conspicuous successes were greater in common law than in equity. Palmer tells us that he never felt the necessity of so many law friends, and that the necessity of so many law friends was the one thing that sharpened his zeal for the reforms which he was the means of introducing in 1873.

V.

It is interesting to read Lord Selborne's comments on some of the judges before whom he practised in his younger days, and on some of the leading Queens's Counsel who were presently to sit upon the bench.

For instance, he tells us that among the judges, Lord Cottenham and Baron Alderson were judicially preëminent. In the latter, he found Lord Cottenham was not brilliant, but he was one of the best lawyers who ever Lord Eldon's time, sat in the Court of Chancery. He heard arguments patiently, and he public had confidence in his judgments. He was a silent, reserved, and not very sociable man; by no means free from personal antipathies, and so he was not a very pleasant man to one of the few juniors who were sometimes invited to his house; and, on at least one occasion, the marked attention which he paid to an argument of the author's was useful to the author with clients. With regard to Lord Lyndhurst, while his shining qualities and graces were recognized, he was not, so far as the author's opportunities went, a very great asset as Judge. But Roundell Palmer's knowledge of Lyndhurst in that character was confined to the latter's last Chancellorship, from 1841 to 1846, when he took things very indolently and easily, affirming almost indiscriminately the law as it was, and not on appeal. It was, as we are told, depressing to a certain extent, and the author, who was then a junior in the chancery, whose heart did not seem to be in business, however famous he might be as

orator did not, the author thinks. Alton was mainly upon the bench the reputation which he had won. As a lawyer, Aaron Alderson, on the other hand, is described as a complete master of the law. Sir Launcelot Shadwell was, it seems, a very kindly and good-humored man, but weak and rather unbusinesslike. The current of his answer to somebody who suggested that he should be very anxious when he had to decide questions involving property of large value. "Not at all," was reported to have said, "one or other of them must have it; what does it signify which?" The story which he told of a famous humorist wrote his epitaph while he was still alive. Sir Launcelot Shadwell, sometime Vice-chancellor of England; what does it signify?" The leading Queen's Counsel when Roundell Palmer was called to the bar were Campbell, Thesiger, and Coleridge. All three were or had been law officers of the Crown. Thesiger, Sir John, Knight Bruce, and Jacob, followed in dignity at a considerable distance by James Wigram and Kingerley. All three were removed before Palmer left the junior bar—Follett, Coleridge, and Thesiger. The high position of the latter was due to his withdrawal to judicial duties in the Privy Council, and the rest by advancement to judicial offices. To their places (speaking still of dignity) succeeded Bethell and Turner, both made baronets in 1840. Coleridge, Thesiger, and Stuart and Griffiths, retired in 1840. James Stuart and Griffiths, Richard Romley, James Carter, and William K. Wood went next. Coleridge, Griffiths, and Wood, it came, in due time, Judges of the Court of Chancery—Bethell and Wood, as well as Campbell and Thesiger, the highest places in the law. These were the men in whose hands Palmer had to learn his business. Looking back upon them, he considered that most of them won their way by great qualities. Some were of temperament so happy as to gain all

the fact that the author of the treatise received the highest praise from the English public. It is interesting to find him expressing the opinion that the principal danger to a very successful advocate is arrogance. The great nursery of that fault, in his opinion, was the House of Commons. Leach, an extremely clever lawyer, had decided over that court just before Palmer's admission to the bar, was himself very much tempted for vanity. When he was made Master of the Rolls, he was succeeded by Shawdell, of whom it was generally held that he was overborne by somebody. It was remarkable also at weakness in him that whenever he was a legal leader of the bar in his court happened to be elsewhere he surrendered himself to the nearest competitor until the leader came back and resumed the command. We are reminded of the same weakness in the successive leaders over Shawdell who was inaccessible to those who did not witness it. The chief of them was Stugden, whom Palmer once overruled after he had left the bar; he is pronounced a very inferior man, profound in conceiving but shallow in execution, overbearing, and impatient of contradiction. In England everybody did homage to his superiority; but in England a good Judge; but in England, both as Chancellor and in the House of Lords, the quality of his judgments suffered from his inability to endure the heat of the throne. From the sceptre of leadership he was driven back, penetrating discernment, generosity to juniors and liked by them, and with much of the knowledge of other things as well as his own. The knowledge he had picked up himself, for he was a public school or university man. The seeds of malice between him and Lord Cottenham were sown then that great lawyer, plain and dull of countenance, to endure what he regarded as daily affronts from this eloquent competitor. They were fruit when he died.

approach the other's judgments with a disposition to reverse them. It was scarcely a less evil than Knight Bruce thought head. Those who suffered from his judgments, he thinks, contributed to the science of the law. The strong marks of Bruce's personality which were impressed upon them. It is conceded, however, that Knight Bruce was a sound lawyer, and never lost the thread either of fact or of law. His style of writing was generally short, sententious, and dogmatic, and he elaborated, they were apt to have a heavy rhetoric, and sometimes of humor, admirable. In itself, but less appropriate on the judgment seat than elsewhere. When Sir James Knight Bruce, Lord of the Exchequer, and Vice-Chancellor, appointed in 1841, he was named successor of Sir Lancaster Shaw as Lord Chancellor (Richard Bethel) (afterward Lord Westbury). In the exercise of that domination Bethel was more audacious and less ceremonious than his predecessor. Whenever anything seemed to be going against him at the law, he occasionally to happen, when he was expelled by other engagements to leave even for a time. In the hands of his juniors he was not careful to preserve so much even as an appearance of respectability, toward the judges, which Knight Bruce had always had. His habit of impertinence was a drawback upon his later triumphs, and, in the end, contributed to his fall. So great, it seems, was Bethel's antipathy for Knight Bruce that, when Chancellor, he should have done with the Lords Justice, who should have done with the Lords Justice, an arrangement with which they, on their part, were not dissatisfied. Lord Selborne does not think that the fault of arrogance was ever common among those who practised before strong judges, and, in general, he bears his testimony to the wisdom of the judges. He is not a man who knew best and he has no doubt that the same might be said of the common-law side; that the standard of honor, truth, and generosity which prevailed in it was high.

VI.
A question of causality which has often been raised among lawyers was propounded to Ronald Palmer in 1846. "How," he was asked, "can a lawyer argue for a client whom he thinks wrong?" Lord Selborne tells us in the book before us that to him this was never a question difficult to answer. "It is a right," he says, "that the duty of a lawyer under such circumstances has its limits. He should always, and more than ever, be on his guard against offering to make himself witness as well as advocate, and against corroborating his arguments by any statement, or insinuation of personal belief, in the other party's case. It is a right even of those who are most in the wrong to have the benefit of a fair and impartial according to law, and to have their evidence properly laid before judge and jury, and to have the arguments, which can honestly be made on the other side, fairly and fully stated. This is the advocate's part to do, and he were to refuse to undertake any case of which, upon the materials before him, he might have formed an unfavorable opinion, he would not be a minister of justice, but the reverse." Lord Selborne goes on to remark upon the office of the judge, and doing so, it is interesting to find that he advocates did the same, would before and without trial, practically shut out the client from having his case fairly presented, but his judgment might, after all, be mistaken. Lord Selborne recalls that it has happened to him, more than once, to find a client, who had been contrary to his first impression of it, that the case has, nevertheless, been satisfied that justice was done. In the greater number of cases, no doubt, the result is in accordance with the expectation of counsel, but the client, when he has been disappointed, has a right to insist on an unobstructed access to the seat of justice, and to every man's right. Touching another question often mooted, Lord Selborne thinks it may be disputable whether the advocate gains or suffers loss, upon the whole, by the habit of being more and more dispassionately considering all that is said, and of not being too much influenced by the reputation of the client. We are certain that the reputation of too much flexibility in this respect tends against him in Parliament.

Lord Selborne's daughter, married Lady Laura, daughter of Earl Waldegrave. Although eight years younger than her husband, she died of cancer at the age of thirty-seven years. In the previous year, she had been leaving her husband, the late Marquis of Plymouth, to marry another man. We must defer to another occasion an account

AN OLD-SCHOOL GENTLEMAN.
How the Mohawk Valley's Change to
Central New York Surprised Him.

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the young man, almost to observation, and the engine standing on the deck caught his eye, and he became greatly excited when the engine started. He sprang up, and with his heels on the step of the cab chat with friend.

"Young feller," he cried, pounding on the window and speaking through the screen, "the engine gives a lurch you'll get a kick out of it."

The engineer grinned and "went up" at a signal to start, and rode pleasantly.

"All right, sir," he said, "won't go far without me."

The man waved a farewell as the train started off, and then, observing the length of the other train, exclaimed:

"That engine has a powerful loogie. He's like one I can't understand how they can stand—old days ago since I come first through here. I had thirty-sixty-old years. We've got to go the way I had Marsha and the little girl in the wilderness what they was—animals an' lots of little kids are all dead. You and you know I was a little boy, they call it central New York."

After this climax he took off the winter cap, revealing his crisp white locks, and smiled at the fields and aged across the hills at the empty pipe, remarking in a general way to the laborers as he placed it between his lips:

"Raps I can think if I have the pipe, but I can't find it. I feel my foot on the ground as they told me before I started. I wouldn't be hurt if I get off of till she's wife's folks here. Then, you see, even if I feel easy, I want to take my pipe. You can't find it. I'm inquired a young man riding the empty pipe with an empty room."

The "smoking room" exclaimed the man, rising to his feet and waving his hand to the laborers as he left the life of his third cousin.

His train left the station, and the man's bed room, and I wouldn't ask him to go to the old man did not get out of the prison asked the conductor to take him. The same day, the man of frontier life in winter